



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)

ROGER PHILIP EKINS and)
FREDERICK CHU)

Group Art Unit 1807-#7

Serial No. 08/211,800)

Filed: April 14, 1994)

For: BINDING ASSAY EMPLOYING)
LABELLED REAGENT)

D. Williams
2/23/95
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GROUP 1800

Certificate of Mailing Under 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited on February 8, 1995 with the United States Postal Service as first class mail in an envelope addressed to COMMISSIONER OF PATENTS AND TRADEMARKS, Washington, D.C. 20231.

February 8, 1995
Date of Certificate

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INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. §1.56, applicants hereby submit the attached PTO Form-1449, listing references which the patent examiner is requested to consider and make of record in the above-identified application. This submission is believed to be in full compliance with the requirements of 37 C.F.R. §1.98.

In the opinion of the undersigned, the references submitted herewith are the most pertinent of which the undersigned is aware. However, no representation is made or intended that more pertinent references do not exist.

Concerning the Dryer paper, this paper summarizes the author's forecast (referred to as "fantasies" in the introductory remarks) concerning future directions for non-isotopic immunoassays. By its very nature, the paper

discusses matters that are purely speculative. Although the paper discusses the use of fluorescent microspheres attached to monoclonal antibodies and mentions applications of this technology, there is no teaching or suggestion of the particular combination of features that characterize the binding assay and test kit of the present invention. Crystal ball gazing of the type reflected in the Dryer paper is at best an invitation to experiment and in no way places the present invention in the possession of the public.

It is believed that the subject matter claimed in the present application constitutes a significant advance in the art, as represented by the references submitted herewith, and is deserving of patent protection.

Early and favorable consideration leading to prompt allowance of this application is earnestly solicited.

Respectfully submitted,

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